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JUN 20 2006

OFFICE OF PETITIONS

In re Application of
Neveu, et. al.
Application No. 09/773,452
Filed: January 13, 2001
Attorney Docket No. PA3656US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2006, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record fails to show that the application was abandoned. A final Office action was mailed on September 24, 2004. In response, on January 26, 2005 a Notice of Appeal was filed. However, on June 20, 2005, a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed, including an appropriate three (3) month extension of time. Since the RCE was filed within the time period for filing an appeal brief, the appeal was dismissed and examination continued.

In view of the above, the instant petition and \$1,500 petition fee are unnecessary will be refunded to petitioner, by Treasury Check, in due course.

If petitioner finds that his/her records indicate that this application should be abandoned for any reason, he/she must notify the Office immediately.

This application file is being referred to Technology Center Art Unit 3714, to await a response to the final Office action mailed March 16, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



WAC/FW

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
PA3656US

First named inventor: Neveu et al.

Application No.: 09/773,452

Art Unit: 3714

Filed: January 31, 2001

Examiner: Coburn

Title: Game Playing System with Assignable Attack Icons

Refund-Ref: 02/21/2008 -CKHLOK- 0000161341

CHECK Refund Total: \$1500.00

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of After Final Amendment under 37 CFR 1.116 (identify type of reply):

- ☒ has been filed previously on April 22, 2005
☐ is enclosed herewith.

05/04/2006 CNGUYEN 00000042 09773452

B. The issue fee and publication fee (if applicable) of \$ 01 FC:1453

- ☐ has been paid previously on _____
☐ is enclosed herewith.

1500.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 02/21/2008 CKHLOK
05/04/2006 CNGUYEN 00000042 09773452
01 FC:1453

-1500.00 OP

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Kenneth M. Kaslow

Signature

May 1, 2006

Date

Kenneth M. Kaslow

Typed or printed name

32,246

Registration Number, if applicable

Carr & Ferrell LLP

Address

650.812.3400

Telephone Number

2200 Geng Road, Palo Alto, CA 94303

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Confirmation Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

May 1, 2006

Date

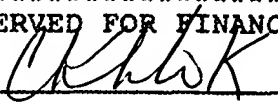
Kenneth M. Kaslow

Signature

Kenneth M. Kaslow

Typed or printed name of person signing certificate

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND														
1 Date of Request: 02/20/08		2 Serial/Patent # 09/773,452												
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT										
<input type="checkbox"/>	Filing			\$										
<input type="checkbox"/>	Amendment			\$										
<input type="checkbox"/>	Extension of Time			\$										
<input type="checkbox"/>	Notice of Appeal/Appeal			\$										
<input checked="" type="checkbox"/>	Petition	WFEE	05/03/06	\$ 1,500.00										
<input type="checkbox"/>	Issue			\$										
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$										
<input type="checkbox"/>	Maintenance			\$										
<input type="checkbox"/>	Assignment			\$										
<input type="checkbox"/>	Other			\$										
			7 TOTAL AMOUNT OF REFUND	\$ 1,500.00										
10 REASON:		8 TO BE REFUNDED BY:												
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Treasury Check											
<input type="checkbox"/>	Duplicate Payment	<input type="checkbox"/>	Credit Deposit A/C #:											
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>											
PETITION WAS DISMISSED AS MOOT.														
11 REFUND REQUESTED BY:														
TYPED/PRINTED NAME: Andrea M. Smith		TITLE: Petitions Examiner												
SIGNATURE: /Andrea M. Smith/		PHONE: 2-3226												
OFFICE: Office of Petitions														
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APPROVED: 		DATE: 2/21/08												

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